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EXAMINER

YE, LIN

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 04/25/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/167,539

Applicant(s)

SUH, INH-SEOK

Examiner

Lin Ye

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 4-19 filed on 2/06/03 have been considered but are moot in view of the new ground(s) of rejection. The Examiner agrees that the Suda's touch-panel is provided separately from the viewfinder, and this doesn't allow a user to see an image and select the desired focal point on the image by simply tapping on the image shown in the display screen. Since a new ground of rejection is being applied against claims 1 and 4-19 filed on 8/21/02, this action is not made final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1 and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al. U.S. Patent 5,625,415 in view Mrejen, Jean-Jacques FR Published Application 2674036 (Hereinafter referred to as Mrejen).

Referring to claims 1 and 5, The Ueno reference discloses in Figures 14-15 and 18, a digital still camera comprises a display screen (1302) for displaying an image corresponding to a subject and a mark (1500) representing the focus position; the mark (1500) displayed in the preview picture area (1302) is moved to a target position by a focal point select apparatus

(input apparatus 118 in Figure 10); focus control means for controlling to focus on a position of the subject corresponding to said mark (See Col. 27, lines 5-15); image store means (frame memory 136) for storing image data corresponding to the image (See Col. 17, lines 32-38). However, Ueno does not explicitly state the focal point select apparatus includes a touch screen for moving the mark.

The Mrejen reference discloses in Figures 1-4, a process to control the focusing of a photography device, such as a camera, a movie camera (See Page 2, lines 1-6); the image received and analyzed by CCD sensors (See page 3, lines 5-7 and page 23, lines 13-17); the signals thus received are amplified, the image received is displayed on a flat LCD touch screen (2) (See page 12, lines 10-15); the touch screen for moving the mark (the sharpness zone including test chart 11, frame 12, or a combination of both as shown in Figure 3a); the mark is thus chosen is taken into account for the automatic control of the focusing (See Page 14, lines 4-7). The Mrejen reference also states the touch screen could also be replaced, for example by a control handle, of joystick, which enables moving the mark (sharpness zone) on the surface of the image displayed on screen (See Page 14, lines 21-24). The Mrejen reference is an evidence that one of ordinary skill in the art at the time to see more advantages for using touch screen to move the mark which corresponding the focus on a position of the subject, because the operation can be performed easily and the cost can be reduced (See page 25, and lines 15-16 sets forth the motivation to provides a very accurate system, which can be used with many focal distances, and with high sensitivity). For that reason, it would have been obvious to include touch screen function for moving the mark representing the focus position in the input apparatus 118 disclosed by Ueno.

Referring to claim 4, the Ueno reference discloses wherein said focus control means further calculates the focus position by processing image data corresponding to the mark moved in order to focus the position of subject corresponding to the mark (See Figure 18, steps 1904-1906, Col. 27, lines 1-15).

Referring to claim 6, the digital camera comprises a release switch (camera control unit 130) for beginning to taking a photograph (See Col. 16, line 37-40), and focus control unit (control circuit 138) stores the image data in first image storage unit (frame memory 136) when the state of the release switch (138) is at a first phase (pre-shooting phase) as shown in Figure 10 (See Col. 16, lines 31-35 and Col. 17, line 61-62).

Referring to claim 7, the Ueno reference discloses wherein said display means comprises a display screen that shows the image and the mark (See Figures 14-15).

Referring to claim 8, the Mrejen reference discloses wherein touch screen (2) is established on a camera body as shown in Figure 1.

Referring to claim 9, the Ueno reference discloses a second image storage unit (image recording apparatus 120) for storing compress data as shown in Figure 10 (See Col. 14, lines 66 and Col 1, lines 25-30).

Referring to claim 10, the Ueno reference discloses the focus control unit (138) compresses image data stored in first image storage unit (136) and restores compressed image data stored in second image storage unit (120) as shown in Figure 10.

Referring to claim 11, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 4.

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Referring to claim 12, the Ueno reference discloses focus position is calculated by processing image data stored in said first image storage unit (136) corresponding to said mark as shown in Figure 14.

Referring to claim 13, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 9.

Referring to claim 14, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 10.

Referring to claim 15, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 1.

Referring to claim 16, the Ueno reference discloses storing image data corresponding to a photographic subject (pre-shooting phase), prior to determining whether the operator relocates the focus position.

Referring to claim 17, the Ueno reference discloses calculating said focus position by processing image data corresponding to said relocated focus position as shown in Figure 15.

Referring to claim 18, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 6.

Referring to claim 19, the Ueno reference discloses generating an address of a memory (136) storing image data (pre-shooting image data) corresponding to a coordinates of focus position (1500); reading image data stored in said address, and calculating the focus position by processing said read image data as shown in Figure 18, steps 1906-1910 (See Col. 27,, lines 1-67).

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***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
**NGOC-YEN VU**  
**PRIMARY EXAMINER**

Lin Ye  
April 21, 2003